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10/551,165

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Kensaku Ishikawa

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RADER FISHMAN & GRAUER PLLC

LION BUILDING

1233 20TH STREET N.W., SUITE 501

WASHINGTON, DC 20036

EXAMINER

PARKER, AUTUMN H

ART UNIT

PAPER NUMBER

2862

MAIL DATE

DELIVERY MODE

01/05/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/551,165

**Applicant(s)**

ISHIKAWA ET AL.

**Examiner**

AUTUMN PARKER

**Art Unit**

2862

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.  
4a) Of the above claim(s) 1-13 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-10 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 27 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date 27 Sept 2005  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group I (Claims 1-10) in the reply filed on 12 November 2008 is acknowledged. The traversal is on the ground(s) that the Examiner has failed to establish the undue burden requirement for examination of the pending claims. This is not found persuasive because the special technical feature recited in each species (reflecting mirror and blindfolding board) requires a separate and distinct area of search. Should the generic claims be found allowable, Applicant will be entitled to rejoin the withdrawn claims.

The requirement is still deemed proper and is therefore made FINAL.

Claims 11-13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on November 12, 2008.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

3. Figures 16 and 17 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with

37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

4. The abstract of the disclosure is objected to because of undue length. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 102*

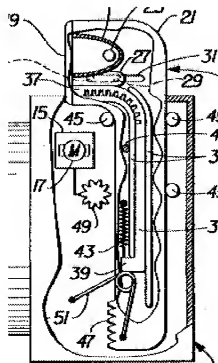
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by DiRisio, U.S. Patent No. 5,331,362 (DiRisio).

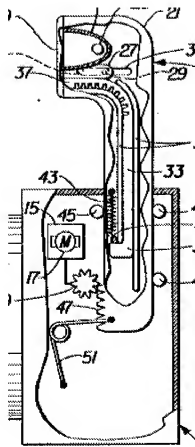
7. Regarding Claim 1, DiRisio discloses an imaging apparatus (Fig. 1) comprising:



- an exterior case (Fig. 1, [3]) to which a lens device is attached (Fig. 1, [9]);
- a flashlight device (Fig. 1, [7]) supported in the vicinity of an objective lens of said lens device, capable of moving between a pop-up position and a storage position through a turning arm (Fig 1, [51]);
- spring means (Fig. 1, [43]) that makes said flashlight device pop up to be urged to said pop-up position;
- holding means (Fig. 1, [33]) for holding said flashlight device in said storage position;
- wherein the pop-up angle of said flashlight device is set at 20 degrees or less (shown on Fig. 2, pop-up angle is zero degrees) and a light emitting portion faces the front of a subject in the pop-up position.

8. Regarding Claim 2, DiRisio discloses said flashlight device is disposed in the upper direction of said holding means (Fig. 1) and adjacently in the vicinity of said objective lens (Fig. 1).

9. Regarding Claim 3, DiRisio discloses said flashlight device includes a reflecting mirror (Fig. 1, [23]) in which a light source (Fig. 1, [25]) is loaded; said reflecting mirror has a pair of first reflecting surfaces which are made of part of a cylindrical curved surface and which are opposed to each other and a second reflecting surface which is continuous with said pair of first reflecting surfaces and in which a light source is stored (shown on Fig. 1, [23]); and a continuous portion, where said pair of first reflecting surfaces and said



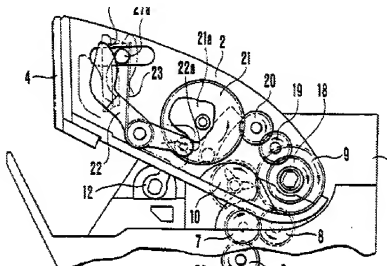
second reflecting surface continue, is set at a position on the opening portion side of the pair of first reflecting surfaces, which is displaced from the central portion of said stored light source (shown on Fig. 1, [23]).

10. Regarding Claim 4, DiRisio discloses said second reflecting surface includes: a cylinder-like cylindrical surface portion obtained by making the central portion of said light source be the center of a curvature radius (shown in Fig. 1, [23]); a pair of parallel plane portions which are provided in part of said cylindrical surface portion and which are expanded in approximately parallel with a central surface that makes said pair of first reflecting surfaces symmetrical (shown on Fig. 1, [23]); and a pair of inclined plane portions that are provided in part of said cylindrical surface portion and are extended in the tangent line direction from a first intersecting portion, at which an extended line of the line connecting said continuous portion to said central portion intersects said cylindrical surface portion, to a second intersecting portion at which the pair of inclined plane portions intersect said parallel plane portions (shown on Fig. 1, [23]).

11. Regarding Claim 5, DiRisio discloses the length between a pair of continuous portions that connect said pair of first reflecting surfaces to said second reflecting surface is made smaller than the diameter of the cylindrical surface portion constituting part of said second reflecting surface (shown on Fig. 1, [23]).

12. Regarding Claim 6, DiRisio discloses said second reflecting surface is formed into an elliptical shape so that the position of said light source adjustably moves along said central plane (shown on Fig. 1, [23]).

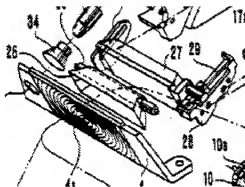
13. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaihara et al., U.S. Patent No. 5,502,530 (Kaihara).



14. Regarding Claim 1, Kaihara discloses an imaging apparatus comprising:
- an exterior case (Fig. 1, [1]) to which a lens device is attached (see abstract);
  - a flashlight device (Fig. 1) supported in the vicinity of an objective lens of said lens device, capable of moving between a pop-up position and a storage position through a turning arm (Fig 1, [2]);
  - spring means (Fig. 1, [13]) that makes said flashlight device pop up to be urged to said pop-up position;
  - holding means (Fig. 1, [12]) for holding said flashlight device in said storage position;
  - wherein the pop-up angle of said flashlight device is set at 20 degrees or less (shown on Fig. 4) and a light emitting portion faces the front of a subject in the pop-up position.

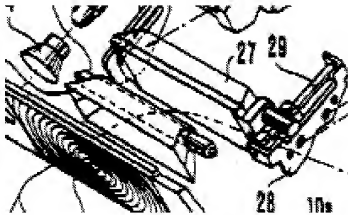
15. Regarding Claim 2, Kaihara discloses said flashlight device is disposed in the upper direction of said holding means (Fig. 4) and adjacently in the vicinity of said objective lens (see abstract; col. 3, line 1 shows that the motor M2 is disposed in the camera body, while the flash unit is disposed above the camera, according to Fig. 1).

16. Regarding Claim 3, Kaihara discloses said flashlight device includes a reflecting mirror (Fig. 1, [26]) in which a light source (Fig. 1, [25]) is loaded; said reflecting mirror has a pair of first reflecting surfaces which are made of part of a cylindrical curved surface and which are opposed to each other and a second



reflecting surface which is continuous with said pair of first reflecting surfaces and in which a light source is stored (shown on Fig. 1, [26]); and a continuous portion, where said pair of first reflecting surfaces and said second reflecting surface continue, is set at a position on the opening portion side of the pair of first reflecting surfaces, which is displaced from the central portion of said stored light source (shown on Fig. 1).

17. Regarding Claim 4, Kaihara discloses said second reflecting surface includes: a cylinder-like cylindrical surface portion obtained by making the central portion of said light source be the center of a curvature radius (shown in Fig. 1); a pair of parallel plane



portions which are provided in part of said cylindrical surface portion and which are expanded in



approximately parallel with a central surface that makes said pair of first reflecting surfaces symmetrical (shown on Fig. 1, [26]); and a pair of inclined plane portions that are provided in part of said cylindrical surface portion and are extended in the tangent line direction from a first intersecting portion, at which an extended line of the line connecting said continuous portion to said central portion intersects said cylindrical surface portion, to a second intersecting portion at which the pair of inclined plane portions intersect said parallel plane portions (shown on Fig. 1).

18. Regarding Claim 5, Kaihara discloses the length between a pair of continuous portions that connect said pair of first reflecting surfaces to said second reflecting surface is made smaller than the diameter of the cylindrical surface portion constituting part of said second reflecting surface (shown on Fig. 1).

19. Regarding Claim 6, Kaihara discloses said second reflecting surface is formed into an elliptical shape so that the position of said light source adjustably moves along said central plane (shown on Fig. 1).

### ***Claim Rejections - 35 USC § 103***

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(c), (f) or (g) prior art under 35 U.S.C. 103(a).

22. Claims 4-6 stand rejected under 35 U.S.C. 102(b) as shown above. In the alternative, Claim 4-10 are obvious under 35 U.S.C. 103(a) as discussed below and are presented to expedite prosecution.

23. Claims 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaihara in view of DiRisio.

24. Regarding Claims 4-9, Kaihara teaches the invention as claimed above. Kaihara does not teach a spherical- or elliptical-shaped (in cross-section) reflecting mirror in which the light source is stored (similar to Figs. 14-15 in the instant application). DiRisio teaches an elliptical shaped reflecting holder in which the flash light source is stored (Fig. 1, [23]). While DiRisio does not teach the specifics of the holder in terms of the structural elements required to achieve such a shape, DiRisio does teach that the shape is known in the arts and not novel. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have utilized the shape of holder taught by DiRisio to house the flash light source for the purpose of achieving specific reflecting angles without increasing the size of the apparatus.

### ***Conclusion***

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Lee, Pub. No. US 2005/0200745, teaches a pop-up flash device with a small angle of

inclination (approximately 20 degrees); Katagiri, Pub. No. US 2002/0028073, teaches a pop-up flash device with a small angle of inclination (approximately 20 degrees).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AUTUMN PARKER whose telephone number is (571)270-3916. The examiner can normally be reached on Mon-Thurs, 8:00 am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on (571) 272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher E Mahoney/  
Primary Examiner, Art Unit 2862

AP  
02 Jan 2009